

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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PEDRO MEDRANO

2012 OCT 9 AM 11 50

Plaintiff

Civil Action

V

SPRAYGROUND LLC, EDWARD SHABOT, DAVID BEN DAVID

Defendants

COMPLAINT FOR COPYRIGHT INFRINGEMENT AND VIOLATION OF RIGHTS OF
ATTRIBUTION OR INTEGRITY IN A WORK OF ART AND INJUNCTIVE RELIEF

1. This is an action for copyright infringement under the United States Copyright Act, 17 U.S.C. 101 etc.
2. This is an action for violation of rights of attribution or integrity in a work of visual art under the copyright act 17 U.S.C. 106(a)
3. This Court has jurisdiction under 28 U.S.C.1338 (a) (copyright).

4- Venue in this District is proper under 28 U.S.C.1391 (b) and/or 28 U.S.C. 1400(a).

5- This Court has personal jurisdiction over the defendants Spray ground llc is incorporated and located in New Jersey , the principal owners reside in New Jersey, Defendants Edward Shabot and David Ben David reside in New Jersey

INTRODUCTION

1-In 2006 defendants Edward Shabot and David Ben David had a company called tattoo bags they conducted a contest in which tattoo bags supplied plain canvas bags to the graffiti artist to submit designs with the winner of said contest would have his bag mass produce receiving royalties for every bag sold as would any design they used from those submitted by the graffiti artist

2-During said contest I submitted the world's first NYC train backpack design (exhibit A)

3-later tattoo bags closed its offices in New York

4-in 2009 Edward Shabot and David Ben David formed sprayground llc in New Jersey

5-In 2011 Sprayground sold a train backpack that sold out (EXHIBIT B)

6-David Ben David Claimed he designed these bags

7-This backpack that David Ben David claimed he created is a derivative of plaintiff's backpack exactly with the front view of train with door with the difference of color black instead of plaintiff's silver and blue and with an extra window in the front

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8-Plaintiff at no time has given defendants permission to change his original design furthermore defendants has never contacted plaintiff to pay him royalties for the use of his design (EXHIBIT C)

9-Defendants copyright infringement was willful, intentional and purposeful in disregard of and indifferent to the rights of the plaintiff and calculated contest was organized to steal designs from artist then close company and reopen in a other state another company with the same owners using said designs or parts of the design as they did with another sold out backpack "Hello my name is

CLAIMS FOR RELIEF

1-As a direct and proximate result of defendants infringement of plaintiff's copyright and exclusive rights under the copyright act. Plaintiff is entitled pursuant to 17U.S.C. 504(b) to actual damages plus defendants profit from infringement as will be proven at trial

2-Defendant David Ben David claim of designing the nyc train backpack is a violation of rights of attribution or integrity in a work of visual art of the plaintiff. Plaintiff respectfully request a preliminary and permanent injunction that said defendant shall be enjoined from claiming design of nyc train backpack and that all defendants will credit plaintiff with design of the nyc train backpack

3-For punitive damages on all defendants for the willfull copyright infringement

And for any further relief the Court deems just and proper

Respectfully submitted


PEDRO MEDRANO

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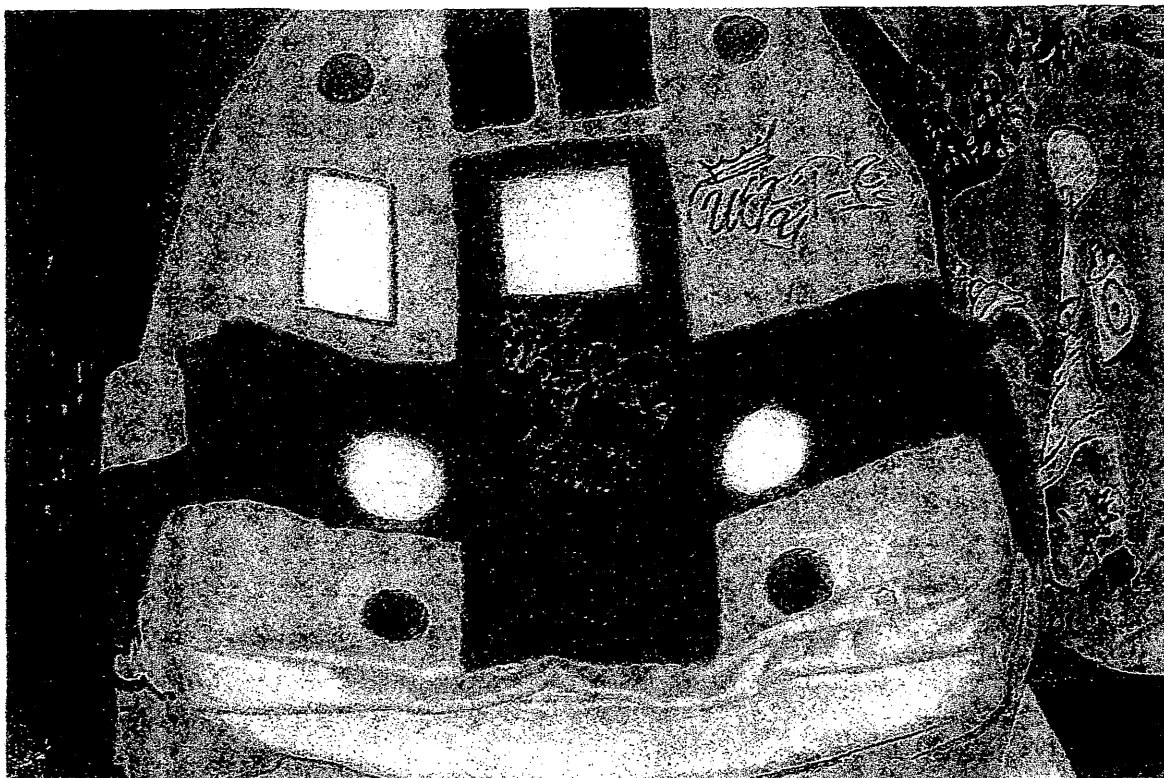
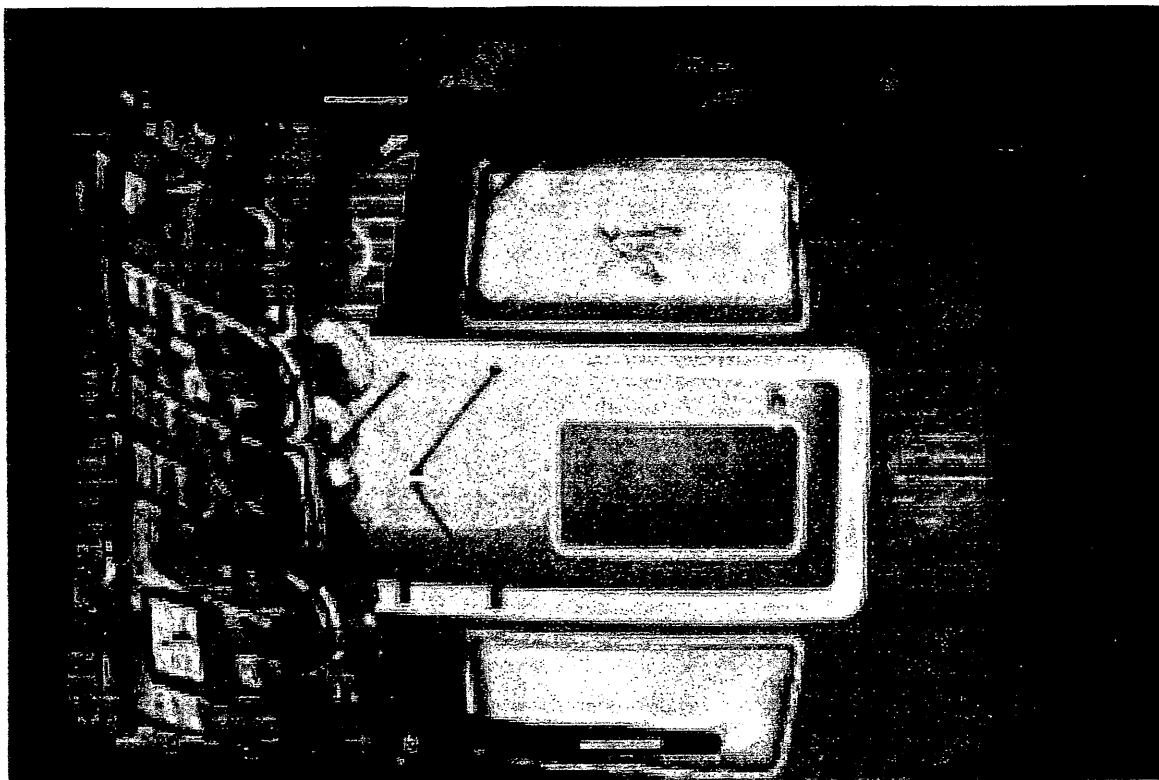


EXHIBIT A



EXHIBIT

B

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Type of Work: Visual Material

Registration Number / Date:
VAu001096452 / 2012-03-12

Application Title: nyc train backpack.

Title: nyc train backpack.

Description: Electronic file (eService)

Copyright Claimant:
pedro rafael medrano, 1957- .

Date of Creation: 2006

Authorship on Application:
pedro rafael medrano, 1957- ; Domicile: United States;
Citizenship: United States. Authorship: 2-D artwork.

Rights and Permissions:
pedro rafael medrano, 45 fairview avenue apt 2e, new york,
NY, 10040, United States, (134) 977-8224,
wasplnyc@yahoo.com

Names: medrano, pedro rafael, 1957-

EXHIBIT C

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